

DEC 04 2008



Carol E. Higbee, P.J.Cv

**NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE COMMITTEE ON
OPINIONS**

**SUPERIOR COURT OF NEW JERSEY
COUNTIES OF
ATLANTIC AND CAPE MAY**

CAROL E. HIGBEE, P.J.Cv.

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**MEMORANDUM OF DECISION ON MOTION
Pursuant to Rule 1:6-2(f)**

CASE: Kendall v. Hoffmann-LaRoche, Inc.

DOCKET #: ATL-L-8213-05-MT

DATE: December 4, 2008

MOTION: Motion For Judgment Notwithstanding The Verdict, Or In
The Alternative, For A New Trial

ATTORNEYS: Michelle Bufano – Defendants
David P. Buchanan - Plaintiff

Having carefully reviewed the papers submitted and oral arguments presented, I have ruled on the above Motion as follows:

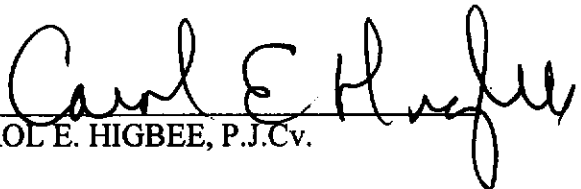
The Court has placed on the record its factual findings, assessment of credibility and statement of the applicable law which has resulted in the Court denying the defendants' motion to dismiss Kamie Kendall's case based on the statute of limitations.

The Court has previously addressed the pertinent arguments that the defendants have raised in their motion for a new trial in the Court's Memorandum of Decision denying a new trial in McCarrell v. Hoffman-LaRoche, Docket No. ATL-L- 1951-03, dated February 2, 2008. The arguments that the Court considers to be worthy of consideration in support of the defendants' application for a new trial have already been decided by the Court in the McCarrell decision and

the Court finds that the factual and legal arguments in the McCarrell case and the instant case are so similar that the Court incorporates herein the findings of factual and law set forth in the Court's Memorandum of Decision in the McCarrell case.

In order to avoid creating unnecessary work for counsel and for the Court, the Court will extend the time within which to file a motion to reconsider this decision until such time as the Appellate Division renders a decision in the McCarrell case. At that time, the Court will entertain a motion for reconsideration based on the law as set forth by the Appellate Division and the Court will reconsider this decision at the parties request and enter a final judgment.

In the event that counsel believes that it would be to their benefit to have a final decision from which they could appeal entered now, counsel is invited to file an immediate motion to request that the Court enter a final appealable decision at this point.


CAROL E. HIGBEE, P.J.Cv.

XXXX Order is attached.